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Attorneys for Teck Cominco Alaska Incorporated

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

ENOCH ADAMS, JR., LEROY ADAMS,	)	
ANDREW KOENIG, JERRY NORTON,	)	
DAVID SWAN, JOSEPH SWAN,	)	
Plaintiffs,	)	
	)	
vs.	)	
	)	
TECK COMINCO ALASKA	)	
INCORPORATED,	)	
Defendant,	)	
	)	
NANA REGIONAL CORPORATION, and	)	
NORTHWEST ARCTIC BOROUGH,	)	
Intervenor-Defendants.	)	Case No.: A04-00049 CV (JWS)
_____	)	

**TECK COMINCO'S  
OBJECTIONS TO PLAINTIFFS' DEPOSITION DESIGNATIONS  
AND  
COUNTER DESIGNATIONS**

As to all witnesses whose testimony has been designated, Teck Cominco objects to the use of deposition testimony when the witness will be available to testify at trial in person.

**James Kulas:**

Objection: In the absence of a foundation being laid, the testimony appears to be hearsay. As well, testimony concerning potential discharges other than under the NPDES permit at issue is irrelevant when offered in a vacuum.

**Charlotte MacCay:**

Objection: Ms. MacCay testifies on page 51 that she does not know the relationship between defendant Teck Cominco Alaska and the company Teck Cominco Limited. Her testimony as to persons involved with Teck Cominco Limited is without foundation, is irrelevant, and is hearsay. See also DiLuzio Declaration at Docket 62. (Individuals addressed in questions to Ms. MacCay are officers of Teck Cominco Alaska in addition to being employees of Teck Cominco Limited.)

Counter designation: Pages 38, 46-48

**John Key:**

Objection: Pages 103-105 are irrelevant and improperly attempts to place settlement negotiations into record. Pages 108-109 are irrelevant, and call for speculation.

Counter designation: Pages 11, 86

**Robert Jacko:**

Objection: Pages 12-13 consists of irrelevant testimony. Page 24 The witness lacks personal knowledge, hearsay. Pages 32-33 Testimony lacks foundation, hearsay. Pages 66-67 Witness TCAK Objection to plaintiffs' depo. testimony

lacks personal knowledge. Page 74 Testimony is irrelevant. Pages 96-99 Designated testimony improperly attempts to place settlement negotiations into record.

**Joanne Bozek:**

Objection: As to the relationship between Teck Cominco American and Teck Cominco Limited, the witness lacks personal knowledge, and her testimony is speculation. As to Teck Cominco Limited documents, Ms. Bozek testified at 37 that she was not involved in their preparation. As to each reference to Teck Cominco Limited documents, she has no ability to authenticate the documents which are themselves not relevant.

Counter designation 37, 58-59, 69, 74, 77, 80, 81, 82, 104


**Peter Guthrie:**

Objection: As to testimony involving Teck Cominco Limited, it is irrelevant, and the witness lacks a foundation to provide it.

Counter Designation 13, 15, 18, 31 to 32 line 4, 51, 52, 54, 65, 68, 69, 72, 73, 74,

DATED at Anchorage, Alaska, this 29<sup>th</sup> day of January, 2008.

HARTIG RHODES HOGE & LEKISCH, P.C.  
Attorneys for Teck Cominco Alaska, Inc.

By:   
Sean Halloran

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of January, 2007,  
a true and correct copy of the foregoing was served,  
via electronic service, on the below identified parties of  
record:

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